(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 3101 of 2007

Petitioner		Gambhir Singh, S/o Godali Singh, *Aged about 54 years, Suspended* Sarpanch, Gram Panchayat Mudapar, Janpad Panchayat Pali, *District Korba (CG)*
	Versus	
Respondents	1.	State of Chhattisgarh, Through *Secretary, Department of* Panchayat & Social Welfare, D.K.S. Building, Mantralaya, Raipur (CG)
	2.	Director (Panchayat), Government *of Chhattisgarh, Raipur (CG)*
	3.	Collector, District Korba (CG)
	4.	Deputy Director, Panchayat & Social Welfare, Korba (CG)
	5.	Sub Divisional Officer (Revenue), Katghora, District Korba (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE *CONSTITUTION OF INDIA*

SB: Hon'ble Justice **Satish K. Agnihotri**

Shri Sameer Behar, Advocate for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 14th day of June, 2007)

1. The petitioner, who was working as Sarpanch of Gram Panchayat Mudapar, Janpad Panchayat – Pali, District – Korba was suspended vide order dated 13.3.2006 (Annexure P/1) passed by the Sub Divisional Officer (Revenue), Katghora, in exercise of its powers under the provisions of Section 39(1) of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993.

2. Learned counsel appearing for the petitioner submits that under sub-section (2) of Section 39 of the Act, 1993, if the State Government does not confirm the order of suspension within 90 days from the date of receipt of the report, the same shall be

(32)

deemed to have been vacated. Admittedly, the report was sent within 10 days from 13.3.2006 when the suspension order was passed. More than one year has passed but no confirmation has been issued by the State Government. Thus, it is clear violation of the provisions of Section 39 of the Act, 1993. The suspension order is deemed to have been vacated.

3. Shri Gupta, learned Deputy Govt. Advocate, appearing for the respondents/State does not dispute the fact and the legal provision.
4. In view of the above, the impugned order dated 13.3.2006 (Annexure P/1) stands vacated.
5. The writ petition is accordingly allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Thakur